WP(C) 2679/2007
BEFORE
HON'BLR MR JUSTICE AMITAVA ROY

Heard Mr MH Choudhury, learned counsel for the petitioner. Also heard Mr Roy, learned State counsel for the official respondents.

The facts briefly stated for disposing of this petition are that ,in response to a Notice Inviting Tender(for short 'NIT') dated 18.5.2006 issued by Murkenez Chelek Anchalik Panchayat, Jonai(hereinafter referred to as 'Anchalik Panchayat') inviting tenders for settlement amongst others of Dekapam Daily and weekly Bazar for the panchayat year 2006-2007 i.e. from 1.7.2006 to 30.6.2007,the petitioner and others participated in the process. Though the petitioner was adjudged to be the valid highest bidder, the settlement was awarded on 31.7.2006 to Gagon Kaman, 6th in order, in terms of the bid offered. Being aggrieved, the petitioner approached this Court with WP(C) No.4597/2006 challenging the said decision which was eventually allowed on 2.5.2007, whereafter he was awarded the settlement on 28.5.2007. He thereafter completed the formalities and started running the market. In the meantime, by the impugned NIT dated 3/5/2007 a process for fresh settlement of the market for the next panchayat year 2007-2008 has been

initiated. The outer limit for submission of tenders has been fixed to be 4.6.2007. The petitioner is before this
Court assailing the decision of the respondent authorities for commencing the new process without granting one year full term to him.

Mr Choudhury while reiterating the above has submitted that in the facts and circumstances of the case, the petitioner at least is entitled to a direction to the respondent authorities to extend the dead line for submission of tenders beyond 4.6.2007 by a reasonable time so as to enable him to submit his tender. The petitioner in the meantime, has also submitted a representation on 31.5.2007 before the Sub Divisional Officer(Civil), Jonai praying for extension of his term beyond 30.6.2007.

The learned State counsel has urged that there being no provision for extension of the settlement period in the Assam Panchayat Act,1994, the prayer to the said effect is misconceived. Further, the petitioner though fully aware of the last date for submission of tenders as mentioned in the impugned NIT had failed to offer his candidature in time and therefore no direction as prayed for ought to be issued.

Upon hearing the learned counsel for the parties, I feel persuaded to sustain the submissions made on behalf of the respondents. A plain reading of the operative portion of the judgment and order dated 22.5.2007 of this Court in WP(C) No.4579/2006 indicates

that consequent upon the annulment of the settlement of the market in favour of Gagon Kaman (respondent No.5 herein) the Anchalik Panchayat was directed to settle the same in favour of the highest bidder for the un-expired term. Accordingly the market was settled to the petitioner for the remaining term ending on 30.6.2007 . The impugned NIT was issued on 3.5.2007 specifying 4.6.2007 to be the last date for submission of tenders. Admittedly, the market was settled with the petitioner on 28.5.2007 and at present he is operating the same. The instant petition has been filed on 2.6.2007 . It does not disclose any compelling or persuasive reason to conclude that the petitioner was prevented thereby to submit his tender in response to the impugned NIT.

That he had submitted a representation for extension of his term beyond 30.6.2007 is of no consequence in absence of any provision in the Act to grant him suc

h relief. Further, to accede to the prayer for directing the respondent authorities to extend the outer limit of submission of tenders as referred to in the impugned NIT, in my view, would amount to interfering with a public process initiated under a statute without any cogent justification. Most importantly, the petition does not disclose any convincing reason to warrant such a direction in the exercise of this Court’s extra ordinary

power under Article 226 of the Constitution of India. I am thus not inclined to order the respondents to take that course.

In the above view of the matter, this petition fails and is dismissed. The above, notwithstanding, it would be open for the petitioner to approach the concerned respondent authorities and they are left at liberty to take an appropriate decision in this regard as they may deem fit and proper.

The petition stands closed in the above terms. No costs.